

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELLTRACE LLC, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. 6:09-cv-294-LED
§
AT&T INC., et al , § JURY TRIAL DEMANDED
§
Defendants. §

**NOTICE OF DISMISSAL WITHOUT PREJUDICE AS TO DEFENDANTS
METROPCS COMMUNICATIONS, INC. AND METROPCS WIRELESS, INC.**

Pursuant to Fed. R. Civ. 41(a)(1)(A)(i), Plaintiff Celltrace LLC files this Notice of Dismissal Without Prejudice, to dismiss all claims asserted by Plaintiff against Defendants MetroPCS Communications, Inc. and MetroPCS Wireless, Inc. WITHOUT PREJUDICE to re-filing of same. The parties agree that Plaintiff has not released, and nothing in this dismissal shall be construed as a release or discharge of, any claim Plaintiff has or may have in the future against MetroPCS Communications, Inc. and MetroPCS Wireless, Inc., any other Defendant named in this action, or any other asserted infringer of the patents-in-suit. All such rights have been, and are, expressly reserved.

Dated: August 19, 2009.

Respectfully submitted,

/s/ T. JOHN WARD, JR. _____

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of August 2009, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ T. JOHN WARD, JR.

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